

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN J. BUCKSHAW,

Petitioner,

v.

POLICE OFFICER NEIL KANE, et al.,

Respondents.

Civil Action
No. 18-408 (RBK)

MEMORANDUM AND ORDER

KUGLER, District Judge:

Before the Court is a Petition for Writ of Habeas Corpus signed by pro se Petitioner John J. Buckshaw (hereinafter, "Petitioner"). It is unclear from the Petition whether Petitioner is currently a pretrial detainee awaiting sentencing (28 U.S.C. § 2241) or whether he is serving a sentence under a judgment entered against him by the Superior Court of Atlantic County (28 U.S.C. § 2254).

Petitioner did not pay the filing fee or submit an *in forma pauperis* application. Under the local rules, an application to proceed *in forma pauperis* must include an

affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and shall further submit a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoner's prison account during the six-month period prior to the date of the certification.

Local Civ. R. 81.2(b).

Furthermore, Petitioner did not submit his petition on the form provided by the Clerk's Office as required by the Local and Habeas rules. *See* Local Civ. R. 81.2(a) ("Unless prepared by counsel, petitions to this Court for a writ of habeas corpus . . . shall

be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.”); 28 U.S.C. § 2254 Rule 2(d).

THEREFORE it is on this 2nd day of April, 2018;

ORDERED that the Clerk of the Court shall **administratively terminate** this case for Petitioner’s failure to submit a complete *in forma pauperis* application or the filing fee and for failing to use the correct form; and it is further

ORDERED that the Clerk of the Court shall forward to Petitioner an *in forma pauperis* application for habeas cases, DNJ-Pro Se-007-B-(Rev. 09/09); and it is further

ORDERED that the Clerk of the Court shall forward to Petitioner a blank habeas corpus petition form, AO 242 (12/11), which is to be used if the Petitioner is currently a pretrial detainee awaiting sentencing; and it is further

ORDERED that the Clerk of the Court shall forward to Petitioner a blank habeas corpus petition form, AO 241 (1/14), which is to be used if the Petitioner is currently serving a sentence under a state court judgment; and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building and U.S. Courthouse, 4th and Cooper Streets, Camden, New Jersey, 08101, within 30 days of the date of entry of this Order. Petitioner’s writing shall include the \$5.00 filing fee or completed *in forma pauperis* application and shall be on the correct form; and it is further

ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and either the \$5.00 filing fee or completed *in forma pauperis* application, the Clerk of Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
U.S. District Judge